

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director
954-797-1101

SUBJECT: Rezoning - ZAS Property
ZB 4-1-02
Higgins-Deni & Associates, Petitioner
Belle Commerce LLP, Owner

AFFECTED DISTRICTS: District 3

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT (COUNTY), TO CC, COMMERCE CENTER DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

This request is to rezone 3.06 acres of property from A-1, Agricultural District (County) to CC, Commerce Center. The property has an underlying land use classification of Commercial and commercial uses exist to the east. To the west a large Flex/Space development is planned with a zoning classification of Commerce Center.

The underlying land use classification of Commercial has always been tied to a business zoning district, such as B-1, B-2, B-3, BP, SC, and UC. Approval of a rezoning application to Commerce Center with an underlying land use of Commercial and not Commerce/Office would set a precedent for future rezonings under similar circumstances. The rezoning of the subject parcel to a business zoning category would still allow development of the subject site. As such, the proposed zoning district is not the most compatible with the underlying land use category.

PREVIOUS ACTIONS: None

CONCURRENCES: The Local Planning Agency voted to deny the application ZB 4-1-02 at the May 22, 2002 meeting (motion carried 4-0, Ms. Turin absent)

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff recommends that the subject report, on the reclassification of property, be reviewed and discussed by Council so that a final decision may be rendered.

Attachment(s): Staff Report, Survey, Zoning and Aerial Map and Future Land Use Map, Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT (COUNTY), TO CC, COMMERCE CENTER DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural District (County), to CC, Commerce Center District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from from A-1, Agricultural District (County), to CC, Commerce Center District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as CC, Commerce Center District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2002.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2002.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.

Exhibit “A”

SKETCH OF BOUNDARY SURVEY

DESCRIPTION

East 294 feet of the South 369 feet of Tract 1. Tier 97 less the West 150 feet of the North 45 thereof. together with that portion of the East 294 feet of Tract 2. Tier 97 lying North of the South line of Section 7. Township 50 South. Range 41 East. all in NEWMAN’S SURVEY. Recorded in Plat Book 2 Page situate in Broward County. Florida.

Application #: ZB 4-1-02
Exhibit "A":
Original Report Date: 5/17/02

Revisions:

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division
Staff Report

APPLICANT INFORMATION

Owner:

Name: Belle Commerce, LLP
Address: 3121 W. Hallandale Beach Blvd.
City: Pembroke Park, FL 33009

Agent:

Name: Higgins-Deni Associates
Address: 1721 N. State Road 7
City: Margate, FL 33063
Phone: 954-971-0540

BACKGROUND INFORMATION

Notification Date: 5/14/02 **Number of Notifications:** Ten (10)

Application Request: To rezone 3.06 acres of land **From**, A-1, Agricultural District (County)
To, CC, Commerce Center District.

Address/Location: 10220 State Road 84/Generally located on the south side of SR 84,
approximately one-half mile east of Bright Road

Land Use Plan Designation: Commercial

Zoning: A-1, Agricultural District (County)

Proposed Zoning: CC, Commerce Center District

Existing Use: Vacant

Proposed Use: Office/Warehouse

Parcel Size: 3.06 acres (133,644 square feet)

Surrounding Land Use:

North: Access road and State Road 84
South: Middle School
East: vacant/retail building
West: vacant

Future Land Use Designation

Transportation
Commercial
Commercial
Commerce/Office

Surrounding Zoning:

North: Transportation
South: CF, Community Facilities
East: B-3, Planned Business District
West: CC, Commerce Center District

HISTORY

Related History: The property was annexed into the Town of Davie through House Bill 880, effective October 1, 1981.

Staff has conducted an on-site examination of the subject property.

DEVELOPMENT PLAN DETAILS

None

Applicable Codes and Ordinances

Land Development Code Section 12-307, Review for Rezoning.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 6. This area includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road

7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flex has been applied to industrial land use plan designated lands on both sides of the Davie Road corridor between State Road 84 and Nova Drive. The Town is encouraging development and redevelopment of properties within this area to strengthen the Town's non-residential tax base for the future.

Broward County Land Use Plan: This property falls within flexibility Zone 100. The underlying land use is consistent with the Broward County Land Use Map.

Applicable Goals, Objectives & Policies:

Future Land Use Policy Group 7: Commercial Land Use

Policy 7-2: Zoning regulations for commercial development shall reflect consideration of the parcel size, capacity of the land to accommodate development, and market range, pursuant to the description on types of Shopping Center Developments as contained under the Commercial category in the Permitted Uses portion of the Implementation section.

Staff Analysis

The subject property has requested a rezoning due to the fact that the existing zoning designation of A-1 (County) would not allow for development of the site consistent with the underlying land use category of Commercial. In addition, the Town of Davie requests that properties located within the Town with an old Broward County zoning designation rezone to a Town of Davie zoning category prior to any site development approval.

Land Use

The Town currently has two land use classifications which allow for commercial type activities, Commercial (C) and Commerce/Office (CO). The intent of the two categories, from a land use plan perspective are different. The Commerce/Office (CO) land use category is designed to encourage the development of commerce activities and offices for administrative, professional and business purposes in a campus-like setting. While the primary intent of this category is to provide employment generators, a limited amount of area may be devoted to employee services. The Commercial (C) land use category provides for business, office, retail, service and other related commercial uses which are necessary to accommodate Davie's population. Broward County views the Town's Commerce/Office land use category, as Commercial (C), since the uses allowed in Commercial under the County Plan are the same as the Town's Commerce/Office category.

Zoning

The Town of Davie provides several zoning categories intended to implement the future land use category of Commercial. These are B-1, Neighborhood Business, B-2, Community Business, B-3, Planned Business Center, BP, Business Park, SC, Suburban Commercial, and UC, Urban Commercial. In addition, the Commerce Center (CC) District zoning category is intended to implement the Commerce/Office classification of the Town of Davie

Comprehensive Plan, as is stated in Section 12-24 Statement of Purpose and Intent of Zoning Districts.

Currently, all parcels of land with a Commerce Center (CC) zoning category have an underlying land use classification of Commerce/Office.

Compatibility

The subject property is located within one-half mile from other businesses to the east developed as traditional office and retail business complexes. To the west, two flex/space developments are planned.

Findings of Fact

Section 12-307(A)(1)

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

It is not clear that the comprehensive plan had anticipated commerce center zoning being applied to the commercial land use category. The uses allowed in both land use plans are similar, with the Commerce/Office land use more restrictive.

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The properties to the west have a Commerce Center zoning designation and the parcels to the east have a B-3, Planned Business District category.

- (c) Existing zoning district boundaries are not logically drawn in relation to existing conditions on the property proposed for change;

The subject parcel has an old Broward County zoning designation, and as such, the boundary is illogically drawn.

- (d) The proposed change will not adversely affect living conditions in the neighborhood;

The residential uses are located to the west and not adjacent to the subject property. Access to the subject site is not through any residential roadways.

- (e) The proposed change is not expected to create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The traffic generated will be consistent with traffic anticipated to be generated by a commercial land use.

- (f) The proposed change will not adversely affect other property values;

The site cannot be developed under the existing zoning designation. As such, the requested zoning district should not affect property values, as the site, based on the underlying land use, was intended for future development.

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed change will not be a deterrent due to the existence of the CC zoning district to the west.

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

The proposed change does not constitute a grant of special privilege as the intensity of the underlying land use planned for development.

(i) There are substantial reasons why the property cannot be used in accord with existing zoning.

The property can not be developed under the existing zoning designation as said designation is from the time the property was under the jurisdiction of Broward County.

(j) The proposed zoning designation is not the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The proposed zoning district is not the most appropriate given the underlying land use classification of Commercial and the Town's land development regulations stating which zoning districts are to be implemented due to the underlying land use designation.

Conclusion

The subject application is found to be complete.

The underlying land use classification of Commercial has always been tied to a business zoning district, such as B-1, B-2, B-3, BP, SC, and UC. Approval of a rezoning application to Commerce Center with an underlying land use of Commercial and not Commerce/Office would set a precedent for future rezonings under similar circumstances. The rezoning of the subject parcel to a business zoning category would still allow development of the subject site. As such, the proposed zoning district is not the most compatible with the underlying land use category.

Staff Recommendation

Staff recommends that the subject report, on the reclassification of property, be reviewed and discussed by Council so that a final decision may be rendered.

Planning and Zoning Board

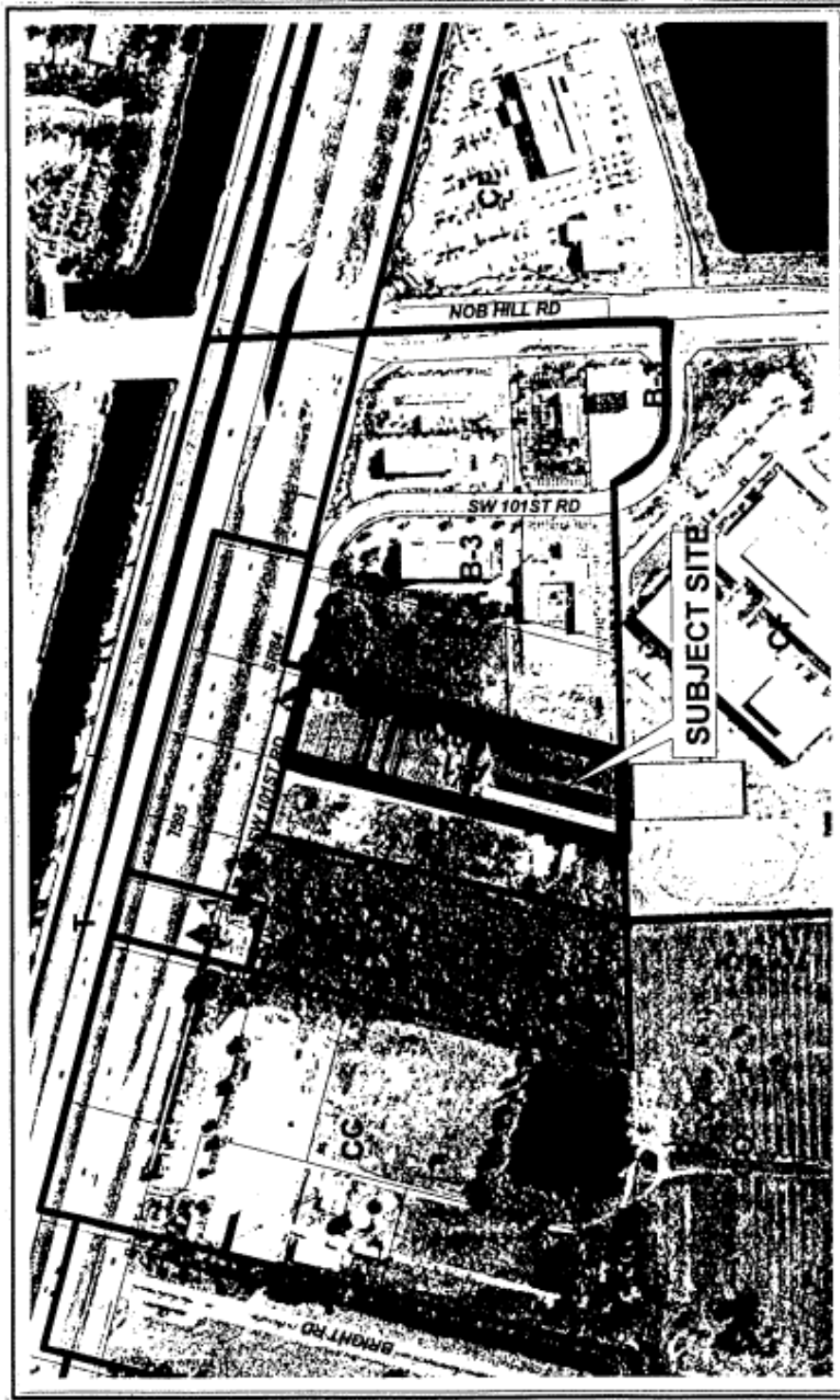
The Planning and Zoning Board recommended denial of application ZB 4-1-02 (motion carried 4-0, Ms. Turin absent).

Exhibits

1. Survey
2. Zoning and Aerial Map
3. Future Land Use Map

Prepared by: _____

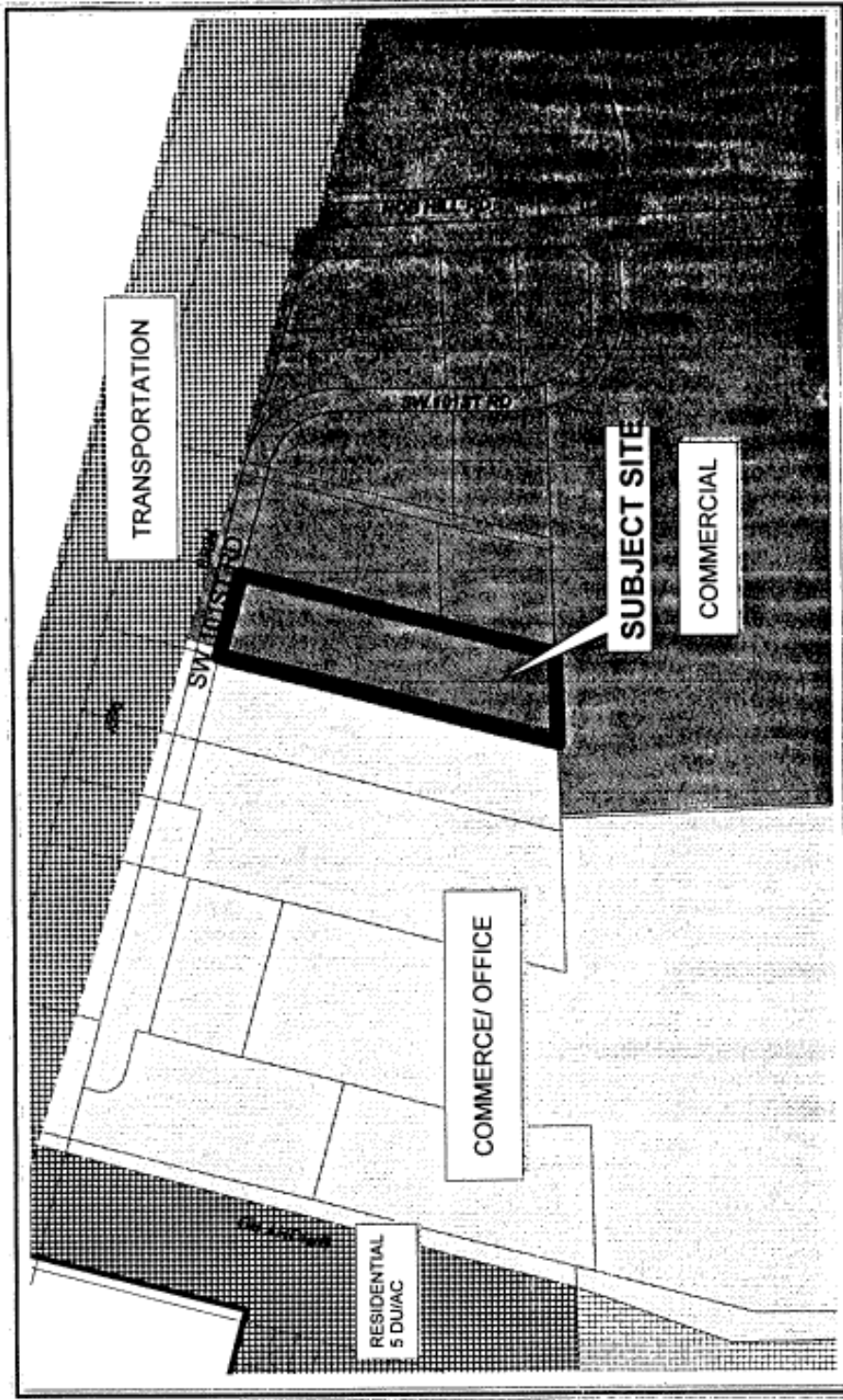
Reviewed by: _____



PETITION NUMBER ZB 4-1-02

ZONING AND AERIAL MAP
Aerial Date Flown: January, 2001
Scale: 1"=300'
Planning & Zoning Division - GIS
Prepared 5/6/02





PETITION NUMBER ZB 4-1-02

FUTURE LAND USE MAP
Scale: 1"=300'
Planning & Zoning Division - GIS
Prepared 5/6/02

